REMARKS

The Final Action dated December 5, 2005 in this Application has been carefully considered. Claims 22-41 are pending. The following remarks are presented in a sincere attempt to place this Application in condition for allowance. Reconsideration and allowance are respectfully requested in light of the following remarks.

Claims 22-41 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. In particular, the Examiner cited a number of claim objections, and "Since the multiple problems under 35 U.S.C. 112, second paragraph, examiner cannot make a solid search for the application therefore 112 rejection is pointed out in the above section [detailing the claim objections]." Final Action, Page 3. Insofar as they may be applied against the Claims, Applicants respectfully traverse these rejections.

As described above, the entirety of the Examiner's substantive rejection is the litany of claim objections. Claims 22 and 25 stand objected to because certain terms are allegedly not defined in the Specification. In particular, the Examiner objected to "extending between a start and an end", "starting production", "ending production", "responsive", and "equal", because the Examiner did not find those terms in the Specification. Final Action, Page 2. One specific example illustrates the Examiner's approach, "the word 'equal' cannot be found [in the specification], therefore the term is undefined." Final Action, Page 2. Thus, the Examiner appears to require that each and every word or phrase used in the Claims be included and expressly defined in the Specification. As described in more detail below, this requirement is *not* the appropriate standard for examination.

The objections to the remaining Claims are similar. The Examiner objected to "ending production" in Claim 23, "a time delay element" in Claim 24, "a first logic unit" and "triggered" in Claim 29, and "one time delay", "either", and "triggered" in Claim 36. Applicants respectfully submit that these terms are so thoroughly understood by one skilled in the art that requiring Applicants to expressly define these terms is unduly burdensome and unfairly limiting of the scope of the invention claimed therein. Moreover, the Examiner's rejections and objections do not comply with the applicable law and established procedure, namely 35 U.S.C. §112 and M.P.E.P. 2173.02.

M.P.E.P. section 2173.02 states, in relevant part. "The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is *whether the claim meets the threshold requirements of clarity and precision*, not whether more suitable language or modes of expression are available." M.P.E.P. §2173.02 (Emphasis added). Further, the standard is whether the claims are reasonably clear and precise, and the M.P.E.P. instructs the Examiner exactly how to make that assessment:

> The essential inquiry pertaining to this requirement [of clarity and precision] is whether the claims set out and circumscribe a particular subject matter with a *reasonable* degree of clarity and particularity. Definiteness of claim language *must* be analyzed, not in a vacuum, but in light of:
> (A) The content of the particular application disclosure;
> (B) The teachings of the prior art; and
> (C) *The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.*
> In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent.
> M.P.E.P. §2173.02 (Emphasis added).

Therefore, according to the M.P.E.P., the fundamental assessment of whether the claim language meets the requirements of section 112, second paragraph, is whether the claims are reasonably clear and precise in light of the Specification, the prior art, and the interpretation as understood by one of ordinary skill in the art. Applicants respectfully submit that under this standard, the Examiner's rejections and objections, requiring each and every Claim term be found and defined in the Specification, are wholly inappropriate.

Specifically, Applicants respectfully submit that one of ordinary skill in the art would easily understand each and every one of the Examiner's objected-to Claim terms, especially in light of the prior art and the detailed disclosure provided by the Specification. With the benefit of the teachings in the prior art, the Specification, and the knowledge and understanding available to one of ordinary skill in the art, the Claim terms "triggered", "equal", and "responsive", for example, are reasonably clear and precise. As a further example, one of ordinary skill in the art would have no trouble understanding the meaning of "equal" in the Claim phrase, "a width of the output pulse is substantially equal to the maximum pulse width" as recited by Claim 22, even if the word "equal" does not appear in the Specification. Moreover, the objected-to Claim terms more than suffice to apprise one of ordinary skill in the art of the scope of the Claims and, therefore, what constitutes infringement.

Thus, Applicants respectfully submit that each and every one of the Examiner's objections are inappropriate and fail to meet the applicable standard for Claim examination. Accordingly, Applicants respectfully request that the claim objections be withdrawn. Further, as the Examiner's claim rejections expressly rely exclusively on the claim objections, Applicants also respectfully request that the rejections of Claims 22-41 under 35 U.S.C. §112, second paragraph, also be withdrawn and that Claims 22-41 be allowed.

Applicants note that the Examiner has yet to examine the Claims on the merits. Therefore, in the alternative, Applicants respectfully request that the rejections of Claims 22-41 under 35 U.S.C. §112, second paragraph, be withdrawn and that prosecution be reopened,

Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 22-41. Alternatively, Applicants respectfully request that the final rejection be withdrawn and that prosecution on the merits be reopened.

Applicants do not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP

Dated: 2/6/06

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